

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -DECEMBER 18, 2007- -7:30 P.M.

Mayor Johnson convened the Regular City Council Meeting at 7:55 p.m.

ROLL CALL - Present: Councilmembers deHaan, Gilmore, Matarrese, Tam, and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

(07-581) Mayor Johnson announced that the recommendation to accept the Corica Golf Complex Operational Review [paragraph no. 07-593] would be continued to January 2, 2008.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(07-582) Proclamation thanking the Social Services Human Relations Board Sister City Workgroup for coordinating the trip to China.

Mayor Johnson read and presented the proclamation to Jim Franz, Social Services Human Relations Board Member.

Mr. Franz thanked Council for the proclamation; stated that he enjoyed traveling with Council; Alameda had the largest representation; Council scored high in citizen-to-citizen diplomacy.

Mayor Johnson stated that organizing the trip was a lot of work; the experience was valuable and beneficial to the City.

Councilmember deHaan stated Council gathered information is still being sorted out.

Vice Mayor Tam stated that Council appreciates Mr. Franz's personal contribution.

Councilmember Matarrese stated that Mr. Franz and his wife performed to a packed house in Wuxi; thanked the Board Members for making the trip happen.

Mayor Johnson stated Vice Mayor Tam's mother was born in China and was a great resource.

Councilmember Gilmore thanked the Board for organizing the trip and

keeping everyone on track and on schedule.

CONSENT CALENDAR

Councilmember Matarrese moved approval of the Consent Calendar.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*07-583) Minutes of the Special and Regular City Council Meetings held on December 4, 2007. Approved.

(*07-584) Ratified bills in the amount of \$3,168,851.00.

(*07-585) Recommendation to accept the Special Tax and Local Bond Measure Report. Accepted.

(*07-586) Recommendation to approve the Amended and Restated Employment Agreement for the City Manager. Accepted.

(*07-587) Recommendation to award Contract in the amount of \$150,000 to Pacific Municipal Consultants to prepare the 2009-2014 Housing Element and conduct the Housing Element/Measure A Workshop. Accepted.

(*07-588) Recommendation to award Contract in the amount of \$114,605 to Ruth Metz Associates for long-range planning for future Library services and recommendations for the improvements of the neighborhood libraries. Accepted.

(*07-589) Recommendation to appropriate \$144,707 in Fiscal Year 2007-2008 Citizen's Option for Public Safety Program (COPS AB 3229) grant funding to enhance frontline police services. Accepted.

(*07-590) Ordinance No. 2976, "Approving Development Agreement Amendment DA-06-0003 to the Development Agreement (Alameda Landing Mixed Use Commercial Project) By and Between the City of Alameda and Palmtree Acquisition Corporation, dated January 16, 2007." Finally passed.

REGULAR AGENDA ITEMS

(07-591) Public hearing on Housing and Community Development needs for Community Development Block Grant Fiscal Year 2008-2009 Annual Plan.

The Community Development Housing Manager gave a Power Point presentation.

Proponents: (In favor of staff recommendation): Jim Franz, Red Cross; Lillian Galedo, Filipinos for Affirmative Action; Doug Biggs, Alameda Point Collaborative; Tracy Jensen, Alameda Unified School District.

Vice Mayor Tam stated there have been a lot of discussions regarding safety net programs and trying to provide programs for at risk youth; inquired which programs could help some of the Filipinos for Affirmative Action needs and issues.

The Community Development Housing Manager responded a Request for Proposals (RFP) process would be used to evaluate applications; there is a clear connection from an eligibility standpoint based upon priority needs; said group would fit in Public Services under the five year consolidated plan.

Mayor Johnson inquired whether staff was looking for general feedback.

The Community Development Housing Manager responded the agenda item addresses holding a public hearing to hear the community needs.

(07-592) Introduction of Ordinance Amending the Alameda Municipal Code by Adding Section 4-4 to Article I (Littering and Maintenance of Property) of Chapter IV (Offenses and Public Safety) to Prohibit Polystyrene Foam Food Service Ware and Amending Section 1-5.6 of Chapter I (General) to Authorize Additional City Employees to Serve as Code Enforcement Officers. Introduced.

The Public Works director gave a Power Point presentation.

Mayor Johnson stated that she spoke with Oakland Councilmember Quan regarding Oakland's ordinance; inquired whether the proposed ordinance would become effective in January and enforcement would start in July.

The Public Works Director stated that he understands that the City of Oakland made the ordinance effective six months after passage.

Mayor Johnson inquired whether restrictions would not start until July or whether enforcement would not take place until July, to which the Public Works Director responded both.

Mayor Johnson inquired why meat products would be exempt.

The Public Works Director responded the exemption is based on the model ordinance that the State has recommended and is similar to Oakland's exemption.

Mayor Johnson stated criteria should be developed for hardship exemptions.

The Public Works Director stated the proposed ordinance provides details on what would constitute a hardship.

Mayor Johnson inquired whether exemptions for prepared or packaged foods outside a City are typical, to which the Public Works Director responded in the affirmative.

Mayor Johnson inquired whether other cities feel the exemption is necessary, to which the Public Works Director responded that he would check.

Mayor Johnson inquired why outside businesses would be exempt and not be required to follow the same requirements as Alameda businesses; questioned whether said exemption should be taken out.

Vice Mayor Tam inquired whether prepackaged meats are packaged outside the City and delivered to Safeway and Lucky.

The Public Works Director responded ground beef is ground on the premises and placed in styrofoam containers.

Vice Mayor Tam inquired whether the ban would preclude vendors from bringing prepackaged meat products sold in grocery stores into Alameda.

The Public Works Director responded prepackaged meat products would be exempt if prepared outside the City; butcher case meats would be exempt.

Proponents: (In favor of Ordinance): Michael John Torrey, Alameda; Robb Ratto, Park Street Business Association (PSBA); Kathy Moehring, West Alameda Business Association (WABA); Jerome P. Harrison, Alameda; and Doug Biggs, Alameda.

Opponents: (Not in favor of Ordinance): Ken Peterson, Alameda; and Tom Knox, Plastic Food Service Packaging Group.

Councilmember Matarrese stated he would like to clarify the exemption language in 4-4.6 that states that exemptions may be

granted for up to a one-year period and that an exemption extension may be granted if undue hardship continues to exist; said language is open for interpretation in that an exemption may be granted for up to a one-year period from the date the ordinance becomes effective or when a vendor comes into Alameda next August and requests a year.

The Public Works Director responded exemptions would be on a case-by-case basis.

Councilmember Matarrese proposed that exemptions be granted for existing businesses from a one-year period from the effectiveness of the ordinance; otherwise, someone could get an unfair advantage in perpetuity; the extension should have a cap.

Mayor Johnson stated that she has a hard time imagining the need for a one-time exemption; Councilmember Quan's office received concerns regarding restaurants selling hot soup; she does not see why a business could not comply within three or six months of implementation; a year is too long.

The Public Works Director stated the exemption would be for an undue hardship.

Mayor Johnson stated that she cannot imagine what an undue hardship would be when all businesses are very similar.

The Public Works Director stated there may be a business that needs a unique packaging; containers may not be available to meet the need; everyone would need to meet the ordinance by July 1, unless there is an undue hardship.

Mayor Johnson stated that she does not think some businesses should have to comply while others do not.

Councilmember Matarrese suggested putting a one-year timeframe from the date of implementation; stated new businesses would not get an exemption.

Councilmember deHaan stated that he thinks that one year would be more than adequate; McDonalds still serves coffee in styrofoam cups that have a "Recycle #6" logo; inquired whether said cups can be recycled.

The Public Works Director responded the cups could not be recycled if soiled; stated some cities are trying to recycle polystyrene; the cost is over \$3,000 per ton; glass is less than \$100 per ton;

styrofoam is not recyclable in Alameda's program and belongs in the gray garbage bins.

Councilmember deHaan stated in-store recycle bins need to be the encouraging factor because the replacement material should not end up in the landfill; Acapulco and La Piñata have been using cardboard and aluminum for take out for ages; vegetables are pre-packed in trays.

The Public Works Director stated currently Trader Joe's brings said vegetables from outside the City and would be exempt from the proposed ordinance.

Councilmember deHaan stated Trader Joe's should be encouraged to be observant; packing material needs to be segregated and disposed of in a good orderly manner; the issue should be addressed at some point.

The Public Works Director stated future steps could be taken to address the issue.

Councilmember Gilmore stated that cities should ban together and tactfully suggest that Trader Joe's change ways of dealing with pre-packaged vegetables.

The Public Works Director suggested keeping the exemption regarding packaging outside the City in place for now; stated the issue could be brought back in a year and would allow enough time to work with businesses to make a change.

Councilmember Matarrese stated packaging outside the City is self-explanatory; Lucky packages eggs in styrofoam; Section 4-4.6 (a) exemption could state foods packaged outside the City; a caterer could come to Alameda with prepared food and dish the food out in styrofoam containers; suggested that exemptions be granted up to one year from the date of the effectiveness of the ordinance and apply only to existing businesses.

Mayor Johnson stated people need to understand that things that go into the landfill, even though recyclable, do not decompose very easily, if at all.

Councilmember Matarrese stated styrofoam can break down and is recyclable, but the infrastructure is not there to handle it; eventually, infrastructure will need to be in place to recycle styrofoam.

Mayor Johnson stated the polystyrene industry needs to be a leader in setting up recycling and reuse.

Mr. Knox stated that he would like to correct the record; 95% of paper food service is not recyclable; only plastic and aluminum are recyclable.

Mayor Johnson stated Alameda recycles food service containers.

The Public Works Director stated said containers are placed in green bins which are composted.

Mr. Knox stated polyethelyne is added into the compost output.

The Public Works Director stated the compost meets the high standard.

Mr. Knox stated some amount of polyethelyne will increase as more paper food service goes into the stream; extinguishing between corn plastic and oil base plastic is difficult.

Mayor Johnson stated hopefully the industry will be able to help sort out the issue.

Councilmember deHaan inquired whether contaminated pizza boxes are accepted.

The Public Works Director responded said boxes go into the green bins.

Mayor Johnson stated people need to be educated; inquired whether the pamphlet provided by is on the City's website.

The Public Works Director responded in the affirmative; stated staff can work with ACI to include a pamphlet with the next bill cycle.

Councilmember Matarrese moved introduction of the ordinance with the following alterations to Section 4-4.6 Exemptions: 1) 4-4.6 (b) include that the exemptions may be granted for up to a one year period from the date of enacting the ordinance and that exemptions will only be offered to existing businesses within Alameda, and 2) Section 4-4.6 (a) delete reference to prepared foods.

Vice Mayor Tam seconded the motion, which carried by unanimous voice vote - 5.

(07-593) Recommendation to accept the Corica Golf Complex Operational Review and authorize staff to begin the process to secure a long-term operator for the Golf Complex. **Continued to January 2, 2008.**

ORAL COMMUNICATIONS, NON-AGENDA

(07-594) Jonathan Stuart, LaRouche Political Action Committee, (submitted handout); discussed foreclosures.

(07-595) Shawn VanLeeuwen, LaRouche Political Action Committee, discussed the Home Owners and Bank Protection.

(07-596) Robb Ratto, PSBA, stated that the Public Works Department has always been responsive to inquiries.

(07-597) John Michael Torrey, Alameda, wished everyone happy holidays.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

(07-598) Consideration of Mayor's nominations for appointment to the Youth Commission.

Mayor Johnson nominated Michelle Blackman, Hannah Bowman, Jordan Flores, Ilya Pinsky, Anjuli Sastry, Priscilla Szeto, Ben Ulrey, and Angela Sterling Vick.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the Regular Meeting at 9:36 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -DECEMBER 18, 2007- -6:00 P.M.

Mayor Johnson convened the Special Meeting at 6:15 p.m.

ROLL CALL - Present: Councilmembers deHaan, Gilmore,
Matarrese, Tam, and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(07-580) Public Employee Performance Evaluation (54957); Title:
City Attorney.

Following the Closed Session, the Special Meeting was reconvened and Mayor Johnson announced that Council met with the City Attorney for the annual performance evaluation.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 6:55 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL COMMUNITY IMPROVEMENT COMMISSION MEETING
TUESDAY- -DECEMBER 18, 2007- -7:25 P.M.

Chair Johnson convened the Special Meeting at 7:48 p.m.
Commissioner Matarrese led the Pledge of Allegiance.

ROLL CALL - Present: Commissioners deHaan, Gilmore, Matarrese,
Tam, and Chair Johnson - 5.

Absent: None.

SPECIAL ORDERS OF THE DAY

(07-057) Update on the Alameda Theater, Cineplex, and Parking
Structure Project.

The Redevelopment Manager gave a brief presentation.

Commissioner Tam inquired whether tenant improvements would be in
place and in operation by March.

The Redevelopment Manager responded most tenant improvements would
be done by March; stated the time schedule is very aggressive and
both tenants are working hard to open in March; the latest date
would be some time in April.

Commissioner deHaan inquired whether the additional 250 seats would
be configured the same way, to which the Redevelopment Manager
responded in the affirmative.

AGENDA ITEMS

None.

ADJOURNMENT

There being no further business, Chair Johnson adjourned the
Special Meeting at 7:55 p.m.

Respectfully submitted,

Lara Weisiger
Secretary, Community Improvement
Commission

The agenda for this meeting was posted in accordance with the Brown
Act.